

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

DIONTAE JOHAN DUNCAN,  
Plaintiff,  
v.  
CALIFORNIA HEALTHCARE  
RECEIVERSHIP CORP., et al.,  
Defendants.

No. 1:20-cv-01288-AWI-SKO (PC)

## **ORDER DENYING PLAINTIFF'S MOTION TO ACCEPT LATE FILING AS MOOT**

(Doc. 53)

Plaintiff Diontae Johan Duncan is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action.

On May 4, 2022, Plaintiff filed a second amended complaint (Doc. 52) and a motion to accept the late filing of the second amended complaint (Doc. 53). Because Plaintiff's second amended complaint was due on or before May 20, 2022 (*see* Doc. 49 [Order dated 4/19/22]), the deadline for filing the pleading has not yet passed. Therefore, Plaintiff's motion asking the Court to accept his late filing is moot. Plaintiff's second amended complaint was timely filed.

Plaintiff's second amended complaint will be screened in due course. 28 U.S.C. § 1915A(a). Plaintiff is advised the screening of his second amended complaint is required. "The court *shall* review ... a complaint in a civil action in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity." (*Id.*, emphasis added.) The

1 Court must screen Plaintiff's second amended complaint to ensure it states a cognizable claim or  
2 claims against the named defendants.

3 For the reasons stated above, Plaintiff's motion to accept late filing (Doc. 53) is DENIED  
4 as MOOT.

5 IT IS SO ORDERED.  
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7 Dated: May 5, 2022

*/s/ Sheila K. Oberto*  
8 UNITED STATES MAGISTRATE JUDGE

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